



PATENT
Attorney Docket No. A-71462/RFT/THR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Brown

Examiner: Trinh, B.K.
Art Unit: 1625

Serial No. 10/616,178

"EXPRESS MAIL" LABEL NO.:
EV 554098837 US

Filed: July 8, 2003

For: ***Naphthalimide Synthesis Including
Amonafide Synthesis and Pharmaceutical
Preparations Thereof***

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. §1.131

Sir:

I, Dennis M. Brown, do hereby declare as follows:

1. I am the inventor on the above-identified patent application and am familiar with its contents. I have also reviewed the pending claims in this application.

2. I am familiar with the Office Action mailed on October 5, 2004, wherein Claims 5-11 and 14-21 were rejected over Ajami *et al.* (U.S. Patent No. 6,693,198). On information and belief, the effective date of Ajami *et al.* is its filing date of April 22, 2002.

3. I conceived the claimed one or more diammonium salts of naphthalimide prior to April 22, 2002.

4. Attached hereto is a photocopy of a laboratory notebook, referred to as Exhibit A, which documents and otherwise supports the reduction to practice of the claimed invention prior to April 22, 2002. All work leading to the reduction to practice of the invention as described in this declaration and in Exhibit A was carried out in the United States and was performed under my direction. The work was completed prior to April 22, 2002, the effective date of the Ajami *et al.* reference.

5. Exhibit A details the formation of the diammonium salt of a naphthalimide, amonafide. As set forth in Exhibit A, last paragraph, HCl gas was passed through a solution of THF containing 1.0 g of amonafide. A precipitate was formed almost immediately. As disclosed in the instant specification in Example 3, the passing of excess HCl through a solution of amonafide results in the formation of the diammonium salt of amonafide, specifically, amonafide dihydrochloride.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that the making of willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardized the validity of the application or any patent issuing thereon.

Date: 4-05-05

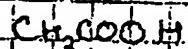
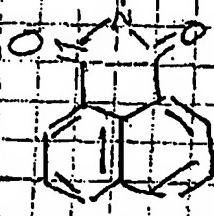


Dennis M. Brown

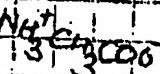
PROJECT To make Acetate Salt of Anconic acid

Notebook No. _____

Continued From Page _____



THF



$$\text{MW} = 285.14$$

$$\text{moles of } \text{I} = 5 \text{ g} \div 285.14 \text{ g/mol} = 0.0175 \text{ moles}$$

$$\text{Acetic acid} = 1 \text{ eq.} = 0.0192 \text{ moles}$$

$$8.2 \text{ g} = 0.0192 \text{ moles}$$

$$= 0.05 \times 0.192$$

$$= 1.152 \text{ g}$$

$$= 1.09 \text{ mL}$$

It was soluble in THF
and in methanol. Then acetic
acid (1.09 mL) equivalent was added.
Stirred for a little
solvent was removed.

Salt was made by passing
HCl gas immediately after adding acid.
formed of solvent was removed
by water. Water was added to
high vacuum for drying.

Read and Understood By _____

Signed _____

Date _____

Signed _____

Date _____